

JANUARY 9, 2026 | NEWS

South Carolina Artist Wins \$158,400 in Damages in Artist Rights Victory

Clover, SC — Shumaker has achieved a federal victory for artistic integrity, with a judge awarding a Clover, S.C. artist \$158,400, including maximum Visual Artists Rights Act (VARA) damages, in a case reaffirming the power of artists' moral rights.

Shumaker represented artist Todd Atkinson, whose mural *Water Tank*, which was commissioned in 1982 for a building in Clover, S.C., was painted over and destroyed by another artist. The defendant, Chan Shepherd, replaced Atkinson's original mural with a nearly identical copy, but removed Atkinson's name and substituted his own, erasing the original artist's attribution.

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(Top image shows Atkinson’s original mural; the bottom shows the version painted over it by Shepherd)

In a January 6, 2026 order, U.S. District Judge Sherri A. Lydon found Shepherd liable for copyright infringement and violations under VARA, concluding that the conduct was willful.

The court emphasized that VARA protects an artist’s moral rights of integrity and attribution, which are distinct from copyright ownership and do not require registration.

Although VARA has been in effect since 1990, only a small number of cases have been brought under the statute, and even fewer have resulted in damages awards, particularly maximum statutory damages of \$150,000 per work.

The court awarded:

- \$8,400 in actual damages for copyright infringement, based on expert appraisal of the mural’s value; and
- \$150,000 in statutory damages for willful VARA violations, citing the need for deterrence.

“This case underscores the enduring importance of protecting artists’ rights, which include not only their economic interests, but their identity, authorship, and legacy,” said Shumaker Partner Alex Long.

In awarding the maximum statutory damages, the court agreed that a significant penalty was necessary to deter future violations of VARA, particularly where one artist intentionally destroys and misattributes the work of another.

The ruling relied in part on expert analysis evaluating the destruction of the original mural and the similarities between the original and copied work. The firm credited its late partner, Moses Luski, who

passed away in May 2025, with helping identify the art expert whose report was instrumental to the damages finding. Luski and his family were avid art collectors, philanthropists and supporters of artists' rights.

Shumaker attorney Spencer Mead assisted with the case.

The case is *Atkinson v. Shepherd*, 0:24-cv-01545-SAL (D.S.C. 2024)